

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2726-01  
Bill No.: HB 1490  
Subject: Courts; Crimes and Punishment; Criminal Procedure  
Type: Original  
Date: February 12, 2002

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
General Revenue	Less than (\$100,000)	Less than (\$100,000)	Less than (\$100,000)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>Less than (\$100,000)</b>	<b>Less than (\$100,000)</b>	<b>Less than (\$100,000)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

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## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of Attorney General** and the **Office of Prosecution Services** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would make some changes in sentencing procedures. CTS would expect some cases to test the parameters of the legislation, but would not anticipate a significant increase in the workload of the judiciary.

Officials from the **Office of State Public Defender** assume existing staff could provide representation for those 15-20 cases arising where indigent persons were charged due to the increased amount of time the prosecution has to file charges. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Department of Corrections (DOC)** assume the proposal removes the possibility that a sentence may be reduced if the law creating the offense was later amended. This impact is unknown, but is anticipated to be a minimal amount that could be absorbed within existing resources.

This proposal also removes the discretionary right of the board to change a consecutive sentence to a concurrent one after a hearing. This practice is not put into use, so there would be no fiscal impact on the DOC.

**Oversight** assumes the proposal could result in longer terms of incarceration or probation. Additional costs for supervision and care by the DOC, although unknown, would likely be less than \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>GENERAL REVENUE FUND</b>			
<u>Costs</u> - Department of Corrections	Less than	Less than	Less than
Incarceration/Probation cost	<u>(\$100,000)</u>	<u>(\$100,000)</u>	<u>(\$100,000)</u>

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>Less than (\$100,000)</u></b>	<b><u>Less than (\$100,000)</u></b>	<b><u>Less than (\$100,000)</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

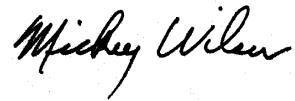
DESCRIPTION

Current law allows a defendant to receive a reduction in punishment for an offense when the punishment is reduced by the statute enacted after the offense was committed but before the defendant is sentenced. This proposal would eliminate that provision. The proposal would also remove the power of the Board of Probation and Parole to convert consecutive sentences to concurrent sentences when determining a total prison term.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. This legislation would not affect Total State Revenue.

SOURCES OF INFORMATION

Office of Prosecution Services  
Office of State Courts Administrator  
Office of the State Public Defender  
Office of Attorney General  
Department of Corrections

A handwritten signature in black ink, reading "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Acting Director

February 12, 2002